

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

No. 3:15-CV-55

KENNETH D. BELL, in his capacity as court-
appointed Receiver for Rex Venture Group,
LLC d/b/a ZeekRewards.com

Plaintiff,

v.

AGNITA SOLOMON, VERNON
LETT SOME, VI COMPUTER & BUSINESS
SERVICES, MARGUERITE D. HODGE,
SUSAN FORBES, MARCUS DRIGO,
PATRICE HAREWOOD, TREVOR POTTER,
SIMON POTTER, ESTHER POTTER,
ELCINA FRETT, HERCULES FRASER,
KISHMA REEFE, RUTH MATTHEW,
WESLEY LEGAIR, and SOPHIA
RICHARDS,

Defendants.

**ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

COMES NOW Defendant, Simon Potter, by and through his undersigned counsel,
answering the allegations of the corresponding numbered paragraphs of Plaintiffs' Complaint as
follows:

SUMMARY OF CLAIMS

1. Denied as to Plaintiff's claim that this was a Ponzi scheme. Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 1.
2. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 2. Otherwise, denied.

3. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 3. Otherwise, denied.
4. Denied.

THE PARTIES

5. Admitted upon information and belief.
6. Admitted upon information and belief.
7. Admitted, in part, upon information and belief. Denied as to development of ZeekRewards as a "scheme".
8. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 8. Otherwise, denied.
9. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 9. Otherwise, denied.
10. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 10. Otherwise denied.
11. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 11.
12. Admitted upon information and belief as to the residency of Agnita Solomon.
Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 12. Otherwise, denied.
13. Admitted upon information and belief as to the residency of Vernon Lettsome.
Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 13. Otherwise, denied.

14. Admitted upon information and belief as to the residency of Marguerite D. Hodge.
Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 14. Otherwise, denied.
15. Admitted upon information and belief as to the residency of Susan Forbes. Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 15. Otherwise, denied.
16. Admitted upon information and belief as to the residency of Marcus Drigo. Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 16. Otherwise, denied.
17. Admitted upon information and belief as to the residency of Patrice Harewood.
Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 17. Otherwise, denied.
18. Admitted upon information and belief as to the residency of Trevor Potter. Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 18. Otherwise, denied.
19. Admitted, in part, as to Defendant's residency. Denied as to Plaintiff's characterizations of Defendant's association as to being a "winner".
20. Admitted upon information and belief as to the residency of Esther Potter. Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 20. Otherwise, denied.
21. Admitted upon information and belief as to the residency of Elcina Frett. Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 21. Otherwise, denied.

22. Admitted upon information and belief as to the residency of Hercules Fraser.

Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 22. Otherwise, denied.

23. Admitted upon information and belief as to the residency of Kishma Reefer.

Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 23. Otherwise, denied.

24. Admitted upon information and belief as to the residency of Ruth Matthew.

Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 24. Otherwise, denied.

25. Admitted upon information and belief as to the residency of Wesley Legair.

Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 25. Otherwise, denied.

26. Admitted upon information and belief as to the residency of Sophia Richards.

Defendant is without sufficient knowledge and/or information to admit or deny the remainder of the allegations contained in paragraph 26. Otherwise, denied.

JURISDICTION, VENUE AND STANDING

27. Admitted, in part, upon information and belief. Otherwise, denied as to the purpose of

SEC filing the action in this District Court.

28. Admitted upon information and belief.

29. Paragraph 29 of the Complaint states legal conclusions that require no admission or denial.

30. Paragraph 30 of the Complaint states legal conclusions that require no admission or denial.

31. Paragraph 31 of the Complaint states legal conclusions that require no admission or denial.
32. Paragraph 32 of the Complaint states legal conclusions that require no admission or denial.
33. Paragraph 33 of the Complaint states legal conclusions that require no admission or denial.
34. Denied.
35. Denied
36. Denied.
37. Admitted upon information and belief.

PONZI AND PYRAMID SCHEMES

38. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 38.
39. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 39.
40. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 40.
41. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 41.
42. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 42.
43. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 43.

44. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 44.

45. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 45.

FACTS SUPPORTING THE RECEIVER'S CLAIMS

46. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 46.

47. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 47.

48. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 48.

49. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 49.

50. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 50. Otherwise, denied.

51. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 51. Otherwise, denied.

52. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 52. Otherwise, denied.

53. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 53. Otherwise, denied.

54. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 54, Otherwise, denied.

55. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 55. Otherwise, denied.
56. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 56. Otherwise denied.
57. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 57. Otherwise, denied.
58. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 58. Otherwise denied.
59. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 59. Otherwise, denied.
60. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 60. Otherwise, denied.
61. Defendant is without sufficient knowledge and/or information to admit or deny the Plaintiff's subjective interpretation as to why ZeekRewards was successful.
62. Denied.
63. Denied.
64. Denied.
65. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 65.
66. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 66. Otherwise, denied.
67. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 67. Otherwise, denied.

68. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 68. Otherwise, denied.
69. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 69. Otherwise, denied.
70. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 70. Otherwise, denied.
71. Admitted with respect only to chance of profiting and/or being monetarily rewarded.
Denied in its entirety otherwise.
72. Denied.
73. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 73. Otherwise, denied.
74. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 74. Otherwise, denied.
75. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 75. Otherwise, denied.
76. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 76. Otherwise, denied.
77. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 77. Otherwise, denied.
78. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 78. Otherwise, denied.
79. Denied.
80. Denied.

81. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 81. Otherwise, denied.
82. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 82. Otherwise, denied.
83. Denied.
84. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 84. Otherwise, denied.
85. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 85. Otherwise, denied.
86. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 86. Otherwise, denied.
87. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 87. Otherwise, denied.
88. Denied.
89. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 89. Otherwise, denied.
90. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 90. Otherwise, denied.
91. Denied.
92. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 92. Otherwise, denied.
93. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 93. Otherwise, denied in its entirety.

94. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 94. Otherwise, denied.
95. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 95. Otherwise, denied.
96. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 96. Otherwise, denied.
97. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 97. Otherwise, denied.
98. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 98. Otherwise, denied.
99. Denied.
100. Denied.
101. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 101. Otherwise, denied.
102. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 102. Otherwise, denied.
103. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 103. Otherwise, denied.
104. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 104. Otherwise, denied.
105. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 105. Otherwise, denied.

106. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 106. Otherwise, denied.
107. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 107. Otherwise, denied.
108. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 108. Otherwise, denied.
109. Denied.
110. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 110. Otherwise, denied.
111. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 111. Otherwise, denied.
112. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 112. Otherwise, denied.
113. Denied.
114. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 114. Otherwise, denied.
115. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 115. Otherwise, denied.
116. Denied.
117. Denied.
118. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 118. Otherwise, denied.

119. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 119. Otherwise, denied.
120. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 120. Otherwise, denied.
121. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 121. Otherwise, denied.
122. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 122. Otherwise, denied.
123. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 123. Otherwise, denied.
124. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 124. Otherwise, denied.
125. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 125. Otherwise, denied.
126. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 126. Otherwise, denied.
127. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 127. Otherwise, denied. Denied specifically as to operation as a “scheme”.
128. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 128. Otherwise, denied.
129. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 129. Otherwise, denied.

130. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 130. Otherwise, denied.
131. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 131. Otherwise, denied.
132. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 132. Otherwise, denied.
133. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 133. Otherwise, denied.
134. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 134. Specifically denied as to participating in any unlawful scheme and the subjective thoughts of others involved.
135. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 135. Otherwise, denied. Specifically denied as to any participation in any illegality.
136. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 136. Otherwise, denied.
137. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 137. Otherwise, denied.
138. Defendant is without sufficient knowledge and/or information to admit or deny the allegations contained in paragraph 138. Otherwise, denied.

FIRST CLAIM FOR RELIEF-FRADULENT TRANSFER

139. Paragraph 139 of the Complaint states no allegation requiring admission or denial.
140. Denied.

141. Denied.

142. Denied.

143. Denied.

144. Denied.

145. Denied.

146. Denied.

147. Denied.

148. Denied.

149. Denied.

150. Denied.

SECOND CLAIM FOR RELIEF-CONSTRUCTIVE TRUST

151. Paragraph 151 of the Complaint states no allegation requiring admission or denial.

152. Denied.

153. Denied.

154. Denied.

155. Denied. Receivership is not entitled to any of the requested for his benefit.

AFFIRMATIVE DEFENSES

Having answered the allegations of the corresponding paragraphs of the First Amended Complaint, Defendant, Simon Potter now further asserts the following affirmative defenses:

DEFENSE I: FAILURE TO STATE A CLAIM

1. Defendant incorporates the admissions and denials of the allegations of the numbered paragraphs of the First Amended Complaint herein by reference.

2. Some or all of Plaintiff's allegations fail to state a claim upon which the Court may grant relief.

DEFENSE II: STATUTE OF LIMITATIONS

3. Defendant incorporates the admissions or denials of the allegations of the numbered paragraphs of the First Amended Complaint herein by reference.

4. The applicable statutes of limitations bar all or some of Plaintiff's causes of action.

DEFENSE III: JUSTIFICATION/PRIVILEGE

5. Defendant incorporates the admissions and denials of the allegations of the numbered paragraphs of the First Amended Complaint herein by reference.

6. Defendant's actions, at all times relevant to the First Amended Complaint, were privileged and justified.

DEFENSE IV: UNCLEAN HANDS

7. Defendant incorporates the admissions and denials of the allegations of the numbered paragraphs of the First Amended Complaint herein by reference.

8. The equitable doctrine of unclean hands bars some or all of Plaintiff's claims.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray the Court grant the following relief:

1. That Plaintiff-Receiver have and recover nothing from Defendants;
2. Dismiss this action with prejudice;
3. Tax the costs of this action against the Plaintiff; and
4. Award Defendants any other relief the Court deem just and proper.

Respectfully submitted,

/s/ John F. Hanzel

John F. Hanzel,

N.C. Bar. No. 6186

Attorney for Defendant Simon Potter

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has served a copy of the foregoing Answer to Plaintiff's First Amended Complaint by electronically filing same with the Court's CM/ECF system, which system shall provide notice of such filing to the following counsel of record:

Kenneth D. Bell, Esq., Receiver
Irving M. Brenner
Matthew E. Orso
MacGuireWoods, LLP
201 North Tryon Street, Ste. 300
Charlotte, North Carolina 28202

This 9th day of July, 2015.

/s/ John F. Hanzel
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